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David Holliday

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2424

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 09/719,389	Applicant(s) HOLLIDAY ET AL.	
	Examiner FARZANA E. HOSSAIN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 12/09/2008. Claims 1, 3-16, 18 and 22-40 have been previously presented. Claims 2 and 17 are original. Claims 19-21 are cancelled.

Response to Appeal

2. In view of the appeal brief filed on 12/09/2008, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Chris Kelley/

Supervisory Patent Examiner, Art Unit 2424.

Response to Arguments

3. A. The antecedent basis for the claimed subject matter

Regarding specification, the applicants argue that the original claim 16 as part of the original disclosure provided support for the limitation (Page 9).

In response to the argument, the examiner agrees that original claim language provides support. The claim language however be added to the specification without any new matter so that the applicant's specification has the same subject matter as the applicant's claims. Should the applicant's invention become allowable, this claim language should be found in the specification. The examiner would also like to note that an objection to the specification is a not an appealable issue.

4. B. Rejection of Claims 9-11 and 26

Applicant's arguments with respect to claims 9-11, 26 have been considered but are moot in view of the new ground(s) of rejection.

5. C. Rejection of Claims 14, 15 and 40

Applicant's arguments filed 12/09/2008 have been fully considered but they are not persuasive.

Regarding Claims 14, 15 and 40, the applicant argues that Ellis2 does not anticipate the claim because it does not disclose the structure corresponding to the means for sorting (Page 11). The applicant argues that the Ellis2 does not disclose receiver a sorted list or a processor executing software to configured to compute index lists of events sorted by sorted by sorting data at the head end to send the sorted index list over the air (Page 12).

In response to the argument, Ellis2 discloses a set top box or receiver with means for sorting or a processor handling tasks for implementing a program guide (Page 5, paragraph 0053). It is necessarily included that word define can include the meaning of explaining, identifying or specifying essential qualities or describe. Ellis2 discloses sending sorting data or other listings data including ratings, descriptions, genres and actors which define a sorted list or the EPG. It is necessarily included that the listing information specifying, identifying or explaining the EPG (Page 3, paragraph 0050-0051, 0053). It is necessarily included that a sorted list included an arranged list and the EPG can be arranged list based on the listing information. The claims do not disclose sending the sorted list over the air so this argument is moot. See rejection.

6. D. Rejection of Claims 1-3, 5-8, 22, 38 and 39 over Ellis et al (5,548,338 in view of Keith). (Although this reference was referred to as Ellis in previous rejection, it will now be referred to as "Ellis3.")

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 1, the applicant argues that the combination does not include means for determining which is a processor executing software storing only one version of the dictionary in relation to present week's programming (Page 13). The applicant also argues that the combination does not disclose means for storing which includes processor executing software configured to store in memory the most recently accessed dictionary (Page 13). The applicant also argues that Keith's updated table is used to encode data; however the updated table is not necessarily the most recently accessed dictionary as required by the means for storing limitation (Page 13).

In response to the argument, the limitations of Claim 1 do not require means for storing only *one* version of the dictionary in relation to present week's programming. The limitation is for storing only the most recently accessed version of the dictionary. Ellis3 is used for other limitations. See new rejection.

7. E. Rejection of Claims 4 and 23-25

The applicant argued that Terasawa does not disclose the limitations argued for claim 1.

In response to the argument, Terasawa was not relied upon for the argued limitations. See rejections and above response.

8. F. Rejection of Claims 12 and 27-29

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. G. Rejection of Claims 13 and 30, 31 and 33

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

10. H. Rejection of Claims 16-18 and 37 of Usui in view of Yuen (WO 97/47136) and Eyer.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 16, applicant argues that the combination fails to teach sending data broadcast over the first network at a faster rate than in the second network (Page 16) and means for receiving and decoding additional program schedule data from the first network for either of the first or second broadcast network, in response to the user request (Page 17). The applicant argues neither Eyer nor Usui fails to teach or suggest that data is transmitted over both the first and second networks (Page 14).

In response to the applicant, Usui discloses a receiver for receiving program guide data from two networks (Figure 23). Eyer discloses that the interactive program guide (IPG) is being broadcast over the satellite network, means for receiving and decoding additional program schedule data from the first network for either the first or second broadcast network (Column 13, lines 58-67, Column 5, lines 62-67, Column 8, lines 35-50, Column 15, lines 32-37) in response to a user request (Column 9, lines 56-67, Column 10, lines 1-6). Yuen² discloses that a user can receive program schedule

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data over a satellite network or cable network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15) and the program schedule data broadcast over the first network at high speed in real time for 150 channels versus preloading the program schedule data over night into RAM or in the second network for 10-20 channels for cable or OTA channels (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15, Page 9, lines 9-15). See new rejection.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

11. I. Rejection of Claims 32 and 34-36

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Specification

12. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The applicant should place all claim terminology supported by the original filing to the applicant's specification.

"receiving program data broadcast from one network at a faster rate than the other network."

Claim Objections

13. Claim 12 is objected to because of the following informalities: "vanes" is assumed to be --varies--. The examiner assumes varies based on original filing and understanding of the claim from the specification. The definition of vanes in reference to the claim language does not make sense. Appropriate correction is required.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 9-13 and 26-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 5,760,821 and hereafter referred to as "Ellis"). *Note: Ellis et al incorporates Bennington et al (Application 08/119,367 published as US 6,418,556 and*

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hereafter referred to as Bennington on Column 1, lines 21-25, Column 2, lines 43-45, Column 3, lines 35, Column 4, lines 2-3).

Regarding Claim 9, Ellis discloses a receiver (Figure 1, 52) for receiving TV signals in a plurality of channels each defining a television program and/or services provided by a broadcaster (Column 1, lines 15-20, See Bennington: Figure 18, Column 6, lines 33-49, Abstract), and a channel set identity or group number for Colorado region (Column 3, line 49) and a channel subset identity or group number for local schedules including cable headed of Denver for the channel or the scheduling information (Column 3, lines 50-65; See Bennington: Figure 18, Abstract); the receiver comprising:

means for storing a reference channel set identity or group number (Column 3, lines 49, 66-67, Column 4, lines 1-9) and one or more reference channel subset identities or group identities (Column 3, lines 50-65, 66-67, Column 4, lines 1-9);

means for comparing the channel identity and channel subset identify (Column 4, lines 9-15); and

means for outputting the received TV signal for display of the program or other services defined depending on the comparison (Figure 2, 52, 54, Column 1, lines 13-20, 61-67, Column 2, lines 1-4, 49-57; See Bennington: Figure 18, Abstract, Column 4, lines 15-28).

Regarding Claim 10, Ellis discloses all the limitations of Claim 9. Ellis discloses storing means or RAM to store the common channel subset such as cable operator to identifying programs and/or services receivable independent of the receivers location

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(Column 3, lines 49, 66-67, Column 4, lines 1-9) and a regional channel subset identifying programs and/or other services receivable depending on the location of the receiver specific to a CATV network (Column 3, lines 51-53, 66-67, Column 4, lines 1-9).

Regarding Claims 11 and 26, Ellis discloses all the limitations of Claims 9 and 10 respectively. Ellis discloses that each channel has associated with it a logical channel number which varies on a channel subset basis (Column 3, lines 49, 66-67, Column 4, lines 1-9; See Bennington: Figure 18), the receiver comprising means for displaying a list of program and/or other services containing the logical channel number or services and programming for specific channels (Column 3, lines 25-29, 45-55, 66-67, Column 1, lines 13-20; See Bennington: Figure 18).

Regarding Claims 12, 27, 28, 29, Ellis discloses all limitations of Claims 9, 10, 11 and 26 respectively. Ellis discloses wherein each channel has associated with it an order channel number which varies on a channel subset basis such as geographical market including Denver (Column 4, lines 30-55, Column 1, lines 13-20, See Bennington: Figure 18, Column 6, lines 38-48), the receiver comprising means for displaying a list of programs and/or other services depending the order channel number (Column 1, lines 13-20; See Bennington: Figure 18).

Regarding Claims 13, 30, 31, 33, Ellis discloses all limitations of Claims 9, 10, 11 and 26 respectively. Ellis discloses each channel has associated with it one or more indicators (See Bennington: Figure 11, 113, 122, i, Column 11, lines 37-43, Column 12, lines 35-48, Column 15, lines 48-57), the receiver comprising means responsive to the

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indicators for controlling display of program and/or service information (See Bennington: Column 8, lines 49-67, Column 9, lines 7-30, Figure 1, 16).

Regarding Claims 32, 34, 35, 36, Ellis discloses all limitations of Claims 12, 27, 28, and 29 respectively. Ellis discloses each channel has associated with it one or more indicators (See Bennington: Figure 11, 113, 122, i, Column 11, lines 37-43, Column 12, lines 35-48, Column 15, lines 48-57), the receiver comprising means responsive to the indicators for controlling display of program and/or service information (See Bennington: Column 8, lines 49-67, Column 9, lines 7-30, Figure 1, 16).

16. Claims 14, 15 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2007/0271582 and hereafter referred to as "Ellis2").

Regarding Claim 14, Ellis2 discloses a receiver for receiving television signals in a plurality of channels each defining a television program (Page 3, paragraph 0050-0051, 0053), wherein the signals include sorting data or other listings data including ratings, descriptions, genres and actors defining a sorted list or electronic program guide (Page 3, paragraph 0050-0051, 0053) and scheduling data (title, start time, end time, channel) defining a schedule of program events or programs (Page 3, paragraph 0050, 0051, 0053), the receiver comprising:

means for sorting the scheduling data (times, titles, channels) (Page 3, paragraph 0043, Pages 4-5, paragraphs 0076-0078) depending on the sorting data (ratings, descriptions, genres, actors) to produce output signals defining an image of selected events in the program schedule for display as a sorted schedule on a television

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screen in an order depending on the sorted list or the electronic program guide (Figure 4, Pages 4-5, paragraphs 0076-0078).

Regarding Claim 15, Ellis2 discloses all the limitations of Claim 14. Ellis2 discloses the sorting data includes data to enable events in the schedule defined by the schedule data to be selected for display in the sorted schedule depending on the one of genre or subgenre (Pages 4-5, paragraphs 0076-0078, 0080, Figure 4).

Regarding Claim 40, Ellis2 discloses all the limitations of Claim 14. Ellis2 discloses means for filtering the schedule data based on ratings such that the sorted schedule is displayed as a filtered schedule of movies (Page 5, paragraph 0080, Figure 6).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-3, 5-8, 22, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 5,548,338 and hereafter referred to as "Ellis3") in view of Yuen et al (US 6,028,599 and hereafter referred to as "Yuen").

Regarding Claim 1, Ellis3 discloses a receiver for receiving television signal in a plurality of channels each defining a television (TV) program, wherein at least a signal in one of the channels includes compressed program schedule data defining broadcast

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events in the channels, and for producing output signals defining an image of the broadcast events in the program schedule for displaying on a TV screen (Column 3, lines 26-35), the receiver comprising:

Data defining a dictionary or a look up table and text portions (Column 8, lines 47-60);

Means for expanding the program schedule data by identifying corresponding text portions in the dictionary (Column 8, lines 47-60, Column 9, lines 16-31);

Means for constructing the image of events using identified corresponding text portions (Column 8, lines 47-60, Column 9, lines 16-31).

Ellis3 discloses receiving software updates (Column 3, lines 26-35), using the Huffman coding that constructs the lookup table and binary tree for stored corresponding text portion (Column 9, lines 16-31), and storing an application program (Column 9, lines 16-39). Ellis3 does not explicitly disclose means for receiving data defining two versions of a dictionary, means for determining which version of the dictionary the corresponding data is stored, means for storing the most recently accessed version of the dictionary.

Yuen discloses means for receiving data defining two versions of the dictionary the corresponding text portion is stored including one for more than 40 channels and one for less than 30 channels (Figure 13, 11, Column 3, lines 1-6, Column 4, lines 48-67, Column 10, lines 1-14, Figure 11); means for determining which version of the dictionary the corresponding data is stored or determine based on the user's request to

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view particular channels which dictionary or description data is stored (Figure 13, 24, 22, Column 10, lines 1-14, Column 3, lines 1-6, Column 4, lines 48-67, Figure 11);

means for storing the most recently accessed version of the dictionary or based on the user's requests to view more channels or more information (Figure 13, 22, 24, Column 10, lines 1-14), the most recently accessed information will be stored according to space allocation (Column 5, lines 1-12, Column 3, lines 1-6, Column 4, lines 48-67, Column 10, lines 50-64, Figure 11). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis3 to include receiving data defining two versions of the dictionary the corresponding text portion is stored (Column 3, lines 1-6, Column 4, lines 48-67, Column 10, lines 1-14, Figure 11); means for determining which version of the dictionary the corresponding data is stored or determine based on the user's request to view particular channels which dictionary or description data is stored (Column 10, lines 1-14, Column 3, lines 1-6, Column 4, lines 48-67, Figure 11) as taught by Yuen in order to allocate space for efficient searches for program information (Column 1, lines 38-46) as disclosed by Yuen.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 2, Ellis3 and Yuen disclose all the limitations of Claim 1. Ellis discloses that the text portions comprise an extended service description including PPV Channel Info (Column 3, lines 25-35, Column 9, Column 10, Table 4).

Regarding Claims 3 and 22, Ellis3 and Yuen disclose all the limitations of Claims 1 and 2 respectively. Ellis discloses text portions comprise an event name (Column 9, Table 4).

Regarding Claim 5, Ellis3 and Yuen disclose all the limitations of Claim 1. Ellis discloses that text portions comprise extended event description (Column 3, lines 59-64, Column 9, Table 4).

Regarding Claim 6, Ellis3 and Yuen disclose all the limitations of Claim 1. Ellis discloses the text portions include a special event message (Column 10, Table 4).

Regarding Claim 7, Ellis3 and Yuen disclose all the limitations of Claim 1. Yuen discloses means for receiving data of the other version of the dictionary or a new dictionary is downloaded (Column 8, lines 60-65, Column 9, lines 1-9, 44-51) and means for replacing the data of the one version of the dictionary in the storing means with data of the other version of the dictionary when the data for the text portion is determined to be stored in the other version of the dictionary or replacing data based on outdated and the user wants to view program description data instead of simple title data (Column 10, lines 1-14, Column 8, lines 60-65, Column 9, lines 1-9, 44-51, Column 11, 1-9).

Regarding Claim 8, Ellis3 and Yuen disclose all the limitations of Claim 1. Ellis discloses storing a default dictionary (Figure 2, 50, Column 3, lines 51-54).

Regarding Claim 38, Ellis3 and Yuen disclose all the limitations of Claim 1. Yuen discloses storing a version of the dictionary in memory (Figure 13, 22, 24, Column 10, lines 1-14). Ellis discloses storing a version of the dictionary in a volatile memory (Column 3, lines 53-54).

Regarding Claim 39, Ellis3 and Yuen disclose all the limitations of Claim 38. Yuen discloses a further dictionary that is stored in memory (Figure 13, 22, 24). Ellis discloses a dictionary is stored in non-volatile memory (Column 9, lines 36-39).

19. Claims 4, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis3 in view of Yuen as applied to claim 1 above, and further in view of Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa").

Regarding Claims 4, 23, 24 and 25, Ellis3 and Yuen disclose all the limitations of Claims 1, 2, 3 and 22 respectively. Ellis3 discloses text portions comprise long titles (Column 9, Table 4). Ellis3 and Yuen do not explicitly disclose a short event name. In analogous art, Terasawa disclose the text portions comprise a short event name (Column 7, lines 55-67, Column 8, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the text portions comprise a short event name (Column 7, lines 55-67, Column 8, line 1) as taught by Terasawa in order to provide a succinct title to the user for easy selection as is well known in the art.

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20. Claims 16-18, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui et al (US 5,808,694 and hereafter referred to as "Usui") in view of Eyer et al (US 6,160,545 and hereafter referred to as "Eyer"), Yuen (WO 97/47136 and hereafter referred to as "Yuen2") and Eyer et al (US 5,801,753 and hereafter referred to as "Eyer2").

Regarding Claim 16, Usui discloses a receiver for receiving TV signals in a first plurality of channels broadcast in a first broadcast network and including program schedule data for the first network and TV signals in a second plurality of channels broadcast in a second broadcast network and including program schedule data for the second network (Figure 1, Column 6, lines 56-59, Column 7, lines 4-14, Figure 5, Column 8, lines 20-30, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26, Figure 22, 23, 24), a cache store for storing a portion of the program schedule data for the first and/or second network transmitted from the time to time in at least one of the channels broadcast in the first network and/or the second network (Figure 5, 225, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26), means for decoding or converting the data in the cache store for display of a program schedule of the first or second broadcast network (Figure 10, Column 12, lines 21-54, Figure 7, Column 9, lines 1-67, Column 10, lines 1-17, 22-26). The Microsoft Press 3rd edition Computer Dictionary defines decoder as a device or program routine that converts coded data back to its original form and this means changing unreadable or encrypted codes into readable text or changing one code to another.

Usui is silent on the program schedule data being broadcast in one network at a faster rate than in the other network and means for receiving and decoding additional program schedule data from the first network for either the first or second broadcast network in response to a user request.

Eyer discloses that TV signals are broadcast via the first network or satellite network with program schedule or guide data (Figure 1, Column 3, lines 58-65) and TV signals are transmitted via second network or terrestrial/cable networks (Column 3, lines 58-65). Eyer discloses receiving IPG data via a first network or satellite network (Figure 1, Column 5, lines 45-50). Eyer discloses that the interactive program guide (IPG) is being broadcast over the satellite network, means for receiving and decoding (Figure 1, 170, 180) additional program schedule data from the first network for either the first or second broadcast network (Column 13, lines 58-67, Column 5, lines 62-67, Column 8, lines 35-50, Column 15, lines 32-37) in response to a user request (Column 9, lines 56-67, Column 10, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Usui to include means for receiving and decoding (Figure 1, 170, 180) additional program schedule data from the signals for the network (Column 13, lines 58-67, Column 5, lines 62-67, Column 8, lines 35-50, Column 15, lines 32-37) in response to a user request (Column 9, lines 56-67, Column 10, lines 1-6) as taught by Eyer in order to provide cost and bandwidth benefits for the receiver and memory management (Column 2, lines 62-67, Column 9, lines 62-67, Column 10, lines 1-6, Column 11, lines 8-18) as disclosed by Eyer.

Yuen2 discloses that a user can receive program schedule data over a satellite network or cable network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15) and the program schedule data broadcast over the first network at high speed in real time for 150 channels versus preloading the program schedule data over night into RAM or in the second network for 10-20 channels for cable or OTA channels (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15, Page 9, lines 9-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include user can receive program schedule data over a satellite network or cable network (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15) and the program schedule data broadcast over the first network at high speed in real time for 150 channels versus preloading the program schedule data over night into RAM or in the second network for 10-20 channels for cable or OTA channels (Figure 1, 20, 36, Page 1, lines 28-33, Page 2, lines 13-15, Page 9, lines 9-15) as taught by Yuen2 in order to send high speed data for the 150 or more channels to the user without a longer wait which is inconvenient to the user.

Eyer2 discloses the trickle data is transmitted on at a slower rate than demand data transmitted on a real time basis at a much higher rate and preloading the data into RAM so that the data is readily available (Column 2, lines 61-67, Column 1, lines 1-16).

Therefore, it would have been obvious to modify the combination with Yuen2 with Eyer2 which meets the limitations of the program schedule data being broadcast in one network at a faster rate for real time data than the other network than the trickle data of 10-20 channels at a slower pace in order to make sure that the user does not wait for

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more than a few seconds (Column 1, lines 53-65) and economical in cost (Column 2, lines 1-3) as disclosed by Eyer2.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 17, Usui, Yuen2, Eyer and Eyer2 disclose all the limitations of Claim 16. Eyer discloses the cache store is updated when new data is transmitted in the first broadcast network or when the amount of time of IPG data can be stored such as the current 24 hours, which inherently includes that the cache store is updated with new data (Column 9, lines 21-24, 37-44, Column 10, lines 4-6).

Regarding Claims 18 and 37, Usui, Yuen2, Eyer and Eyer2 disclose all the limitations of Claims 16 and 17 respectively. Eyer discloses the broadcast program schedule data comprises depth data for specific models of receiver via the preformatted blocks of IPG data for daily schedules and title records (Column 11, lines 8-18), the receiver being arranged to receive depth data or receiving messages pertaining to and the amount of data that should be stored specifically schedule and title and/or descriptions in the cache store or RAM and this is dependent on the depth data or message to store as there are receivers without large enough storages to hold

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descriptions (Column 11, lines 26-33). The messages sent from the transmitted side is so that sorting and processing is performed only once at the transmitter versus at every decoder and also so that memory management is simplified (Column 9, lines 62-67, Column 10, lines 1-6, Column 11, lines 8-18).

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday 7:30 am to 2:30 pm, Tuesday, Thursday and Friday 7:30 am to 4:30 pm and Wednesday 7:30 am to 12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

FEH
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